

DEC 16 2004

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 248-4827
Fax: (515) 334-6883

TO: Commissioner of Patents, Mail Stop AF
FROM: Karen K. Varley, Registration Number: 45,751
RE: Serial Number: 09/545,334
Attorney Docket Number: 0803
DATE: December 16, 2004 FAX NUMBER: (703) 872-9306
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 24

COMMENTS:

Transmission includes the following:

Certificate of Fax Transmission: 1 Page/1 Copy
Transmittal: 1 Page/1 Copy
Petition for Extension of Time: 1 Page/2 Copies
Amendment and Request for Reconsideration: 18 Pages/1 Copy
Request for Continued Examination: 1 Page/2 Copies

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

DEC 16 2004

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on December 16, 2004.

Date

Karen K Varley

Signature

Karen K. Varley

Typed or printed name of person signing Certificate

45,751

Registration Number if applicable

515-334-6780

Telephone Number

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Transmittal: 1 Page/1 Copy

Petition for Extension of Time: 1 Page/2 Copies

Amendment After Final Office Action: 18 Pages/1 Copy

Request for Continued Examination: 1 Page/2 Copies

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/545,334
		Filing Date	April 7, 2000
		First Named Inventor	Jeffrey E. Habben
		Art Unit	1638
		Examiner Name	S. Baum
Total Number of Pages in This Submission	24	Attorney Docket Number	0803

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Fax Transmission Request for Continued Examination
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm			
Signature	<i>Karen K. Varley</i>		
Printed Name	Karen K. Varley		
Date	December 16, 2004	Reg. No.	45,751

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Karen K. Varley</i>		
Typed or printed name	Karen K. Varley	Date	December 16, 2004

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 09/545,334 Confirmation No. 9587
Applicant : Jeffrey E. Habben, et al.
Filed : April 7, 2000
TC/A.U. : 1638
Examiner : S. Baum
Docket No. : 0803
Customer No. : 27310
Title : Regulated Expression of Genes in Plant Seeds

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER
37 CFR §1.116 TO FINAL OFFICE ACTION MAILED JUNE 16, 2004**

Dear Sir:

In response to the Final Office Action of June 16, 2004, Applicants respectfully request that the following amendments be entered and that the following remarks be considered and made of record.

It is submitted that the claims as amended are in condition for allowance and present no new matter.

STATUS OF THE CLAIMS

Claims 1-4, 7-8, 10, 17, 20-21, 23, 30, 32-33, 35, 42-47, and 64-65 were examined in the current office action.

Claims 9, 11, 22, 24, 34, 36, 48, 50-52, 54-56, and 58-59 have been withdrawn as reading on non-elected inventions.

Application No. 09/545,334
Amendment Dated: December 16, 2004
Reply to Office Action of June 16, 2004

Claims 5-6, 12-16, 18-19, 25-29, 31, 37-41, 49, 53, 57, and 60-63 have been previously canceled.

Claims 7, 10, 20, 23, 32, and 35 are canceled with this amendment.

Applicants reserve the right to pursue canceled claims or claims to withdrawn subject matter in continuation or divisional applications.